



STATE OF OREGON  
Legislative Counsel Committee

April 23, 2019

To: Senator Kim Thatcher  
From: Dexter A. Johnson, Legislative Counsel  
Subject: Constitutionality of HB 3063-A47 amendments

You requested amendments to House Bill 3063-A that would require members of the Legislative Assembly and their relatives to receive required immunizations beginning within 30 days of the effective date of the Act. The -A47 amendments so provide. The amendments also require the Governor and the Governor's relatives to receive required immunizations if the Governor signs the bill. The -A47 amendments raise the following constitutional concerns:

- The Due Process Clause of the United States Constitution requires a rational basis for laws that create classifications and treat members of one class differently from members of a different class. The -A47 amendments do not appear to have a rational basis for requiring members of the Legislative Assembly who vote in favor of the legislation, and their relatives, to receive immunizations, but not requiring members who vote in opposition of the legislation and their relatives to receive immunizations.
- Article IV, section 15, of the Oregon Constitution, vests the authority to discipline a member of the Legislative Assembly exclusively in the chamber of the Legislative Assembly in which the member serves. The Oregon Constitution limits discipline of the Governor to the recall process described in Article II, section 18. An individual seeking to enforce the requirements of the -A47 amendments against a legislator or Governor unwilling to comply with the amendments would have a limited ability to do so.

Encl.